

EXCERPT FROM TOKYO GAZETTE, VOLUME IV, JANUARY, 1941

DOCUMENTS CONCERNING THE TREATY  
BETWEEN JAPAN AND CHINA

I

Announcement of the Government, November 30, 1940

(Pages 272-278)

The Plenipotentiaries of Japan and China signed today at Nanking the Treaty Concerning the Basic Relations between Japan and China, the Protocol annexed thereto and the Agreed Terms of Understanding between the Plenipotentiaries of the two countries; following which the Plenipotentiaries of Japan, Manchoukuo and China signed the Joint Declaration of Japan, Manchoukuo and China.

By virtue of the above, the Japanese Government have formally recognized the National Government of the Republic of China headed by Mr. Wang Ching-wei, the National Government of the Republic of China have recognized Manchoukuo, and the Government of Manchoukuo have recognized the National Government of the Republic of China.

The documents relating to the above are as follows:

1. TREATY CONCERNING THE BASIC RELATIONS  
BETWEEN JAPAN AND CHINA

The Imperial Government of Japan and

The National Government of the Republic of China:

Being desirous that these two countries should respect their inherent characteristics and closely cooperate with each other as good neighbours under their common ideal of establishing a new order in East Asia on an ethical basis, establishing thereby a permanent peace in East Asia, and with this as a nucleus contributing toward the peace of the world in general, and

Desiring for this purpose to establish fundamental principles to regulate the relations between the two countries, have agreed as follows:

ARTICLE 1

The Governments of the two countries shall, in order to maintain permanently good neighbourly and amicable relations between the two countries, mutually respect their sovereignty and territories and at the same time take mutually helpful and friendly measures, political, economic, cultural and otherwise.

The Governments of the two countries agree to eliminate, and to prohibit in the future, such measures and causes as are destructive of amity between the two countries in politics, diplomacy, education, propaganda, trade and commerce, and other spheres.

## ARTICLE 2

The Governments of the two countries shall closely cooperate for cultural harmony, creation and development.

## ARTICLE 3

The Governments of the two countries agree to engage in joint defence against all destructive operations of communistic nature that jeopardize the peace and welfare of their countries.

The Governments of the two countries shall, in order to accomplish the purpose mentioned in the preceding paragraph, eliminate communistic elements and organizations in their respective territories, and at the same time cooperate closely concerning information and propaganda with reference to the defence against communistic activities.

Japan shall, in order to carry out the defence against communistic activities through collaboration of the two countries, station required forces in specified areas of Mengchiang and of North China for the necessary duration, in accordance with the terms to be agreed upon separately.

## ARTICLE 4

The Governments of the two countries undertake to cooperate closely for the maintenance of common peace and order until the Japanese forces sent to China complete their evacuation in accordance with the terms as provided for separately.

The areas for stationing Japanese forces for the period requiring the maintenance of common peace and order and other matters pertaining thereto shall be determined as agreed separately between the two countries.

## ARTICLE 5

The Government of the Republic of China shall recognize that Japan may, in accordance with previous practices or in order to preserve the common interests of the two countries, station for a required duration its naval units and vessels in specified areas within the territory of the Republic of China, in accordance with the terms to be agreed upon separately between the two countries.

## ARTICLE 6

The Governments of the two countries shall effect close economic cooperation between the two countries in conformance with the spirit of complementing each other and ministering to each other's needs, as well as in accordance with the principles of equality and reciprocity.

With reference to specific resources in North China and Mengchiang, especially mineral resources required for national defence, the Government of the Republic of China undertake that they shall be developed through close

cooperation of the two countries. With reference to the development of specific resources in other areas which are required for national defence, the Government of the Republic of China shall afford necessary facilities to Japan and Japanese subjects.

With regard to the utilization of the resources referred to in the preceding paragraph, while considering the requirements of China, the Government of the Republic of China, shall afford positive and full facilities to Japan and Japanese subjects.

The Governments of the two countries shall take all the necessary measures to promote trade in general and to facilitate and rationalize the demand and supply of goods between the two countries. The Governments of the two countries shall extend specially close cooperation with respect to the promotion of trade and commerce in the lower basin of the Yangtze River and the rationalization of the demand and supply of goods between Japan on the one hand and North China and Mongchiang on the other.

The Government of Japan shall, with respect to the rehabilitation and development of industries, finance, transportation and communication in China, extend necessary assistance and cooperation to China through consultation between the two countries.

#### ARTICLE 7

According to the development of the new relations between Japan and China under the present Treaty, the Government of Japan shall abolish extra-territorial rights possessed by Japan in China and render to the latter its concessions; and the Government of China shall open its territory for domicile and business of Japanese subjects.

#### ARTICLE 8

The Governments of the two countries shall conclude separate agreements regarding specific items which are necessary to accomplish the object of the present Treaty.

#### ARTICLE 9

The present Treaty shall come into effect from the date of its signature.

In witness whereof the undersigned, duly authorized by their respective Governments, have signed the present Treaty and have affixed thereto their seals.

Done in duplicate, in the Japanese and Chinese languages, at Nanking the 30th day of the 11th month of the 15th year of Syowa, corresponding to the 30th day of the 11th month of the 29th year of the Republic of China.

#### 2. ANNEXED PROTOCOL

In proceeding this day to the signature of the Treaty Concerning the



Basic Relations between Japan and China, the Plenipotentiaries of the two countries have agreed as follows:

#### ARTICLE 1

The Government of the Republic of China, understanding that, during the period in which Japan continues the warlike operations it is at present carrying on in the territory of China, there exists a special state of affairs attendant upon such warlike operations, and that Japan must take such measures as are required for the attainment of the object of such operations, shall accordingly take the necessary measures.

Even during the continuation of the said warlike operations, the special state of affairs referred to in the preceding paragraph shall, in so far as there is no obstacle to the attainment of the object of the operations, be adjusted in accordance with the changing circumstances and in conformity with the Treaty and its annexed documents.

#### ARTICLE 2

While the affairs previously administered by the Provisional Government of the Republic of China, the Reformed Government of the Republic of China and others have been taken over and temporarily maintained as they are by the Government of the Republic of China, those which require adjustment but are not yet adjusted shall be adjusted in conformity with the purpose of the Treaty and its annexed documents through consultation between the two countries, as promptly as circumstances may permit.

#### ARTICLE 3

When general peace is restored between the two countries and the state of war ceases to exist, the Japanese forces shall commence evacuation with the exception of those which are stationed in accordance with the Treaty Concerning the Basic Relations between Japan and China signed today and the existing agreements between the two countries, and shall complete it within two years with the firm establishment of peace and order; and the Government of the Republic of China shall guarantee the firm establishment of peace and order during this period.

#### ARTICLE 4

The Government of the Republic of China shall compensate the damages to rights and interests suffered by Japanese subjects in China on account of the China Affair since its outbreak.

The Government of Japan shall, with respect to the relief of the Chinese rendered destitute by the China Affair, cooperate with the Government of the Republic of China.

## ARTICLE 5

The present Protocol shall come into effect simultaneously with the Treaty.

In witness whereof the Plenipotentiaries of the two countries have signed this Protocol and have affixed thereto their seals.

Done in duplicate, in the Japanese and Chinese languages, at Nanking the 30th day of the 11th month of the 15th year of Syowa, corresponding to the 30th day of the 11th month of the 29th year of the Republic of China.

3. AGREED TERMS OF UNDERSTANDING BETWEEN THE  
PLENIPOTENTIARIES OF JAPAN AND CHINA  
CONCERNING THE ANNEXED PROTOCOL

In proceeding this day to the signature of the Treaty Concerning the Basic Relations between Japan and China, the following understanding has been reached between the Plenipotentiaries of the two countries in connection with the stipulations of Articles 1 and 2 of the Annexed Protocol of the Treaty.

1. With regard to those various organs for collecting taxes in China which are at present in a special condition owing to military necessity, an adjustment shall be made promptly in accordance with the spirit of respecting the financial independence of China.

2. With regard to those industrial, mining and commercial establishments under governmental or private management which are at present controlled by Japanese forces, the necessary measures shall be taken for their prompt transfer to Chinese management in a rational manner, with the exception of those which are of enemy character or under special circumstances of unavoidable character including military necessity.

3. In case any Sino-Japanese joint enterprise requires modification in the evaluation of original assets, the proportion of capital investments and other matters, measures for their rectification shall be taken in accordance with the terms to be agreed upon separately through consultation between the two countries.

4. The Government of the Republic of China shall, in case they find it necessary to institute control on foreign trade, effect such control autonomously. They may not, however, infringe upon the principle of Sino-Japanese economic cooperation mentioned in Article 6 of the Treaty; and they shall consult with Japan with regard to such control during the continuation of the China affair.

5. With regard to matters pertaining to transportation and communication in China which require adjustment, they shall be adjusted, as promptly as circumstance may permit, in accordance with the terms to be agreed upon separately through consultation between the two countries.

Done in duplicate, in the Japanese and Chinese languages, at Nanking the 30th day of the 11th month of the 15th year of Syowa, corresponding to the 30th day of the 11th month of the 29th year of the Republic of China.

4. JOINT DECLARATION BY THE GOVERNMENTS OF  
JAPAN, MANCHOUKUO AND CHINA

The Imperial Government of Japan;  
The Imperial Government of Manchoukuo; and  
The National Government of the Republic of China:

Being desirous that the three countries should respect one another's inherent characteristics and closely cooperate with one another as good neighbours under their common ideal of establishing a new order in East Asia on an ethical basis, constituting thereby the mainstay of a permanent peace in East Asia, and with this as a nucleus contributing toward the peace of the world in general, declare as follows:

1. Japan, Manchoukuo and China will respect mutually their sovereignty and territories.

2. Japan, Manchoukuo and China will bring about general cooperation on a reciprocal basis among the three countries, especially a good neighbourly friendship, common defence against communistic activities and economic co-operation, and for that purpose will take all the necessary measures in every direction.

3. Japan, Manchoukuo and China will promptly conclude agreements in accordance with the present Declaration.

Done at Nanking on this the 30th day of the 11th month of the 15th year of Syowa, corresponding to the 30th day of the 11th month of the 7th year of Kangte, and to the 30th day of the 11th month of the 29th year of the Republic of China.



EXCERPT FROM TOKYO GAZETTE, VOLUME IV, JANUARY, 1941

## II

STATEMENT OF THE FOREIGN OFFICE SPOKESMAN, ON THE SIGNING  
OF THE SINO-JAPANESE BASIC TREATY, AND THE JAPAN-MANCHOUKUO-  
CHINA JOINT DECLARATION, ISSUED ON NOVEMBER 30, 1940

In Nanking, at 10 o'clock this morning, a Sino-Japanese Basic Treaty between Japan and China was signed between Ambassador Nobuyuki Abe and Mr. Wang Ching-wei, President of the Executive Yuan (Though Mr. Wang became the head of the National Government, he signed the Treaty in the capacity of President of the Executive Yuan), which means that Japan formally recognized the new National Government at Nanking as the legitimate government of China. And at noon General Abe and Mr. Tsang Shih-i, Plenipotentiaries of Japan and Manchoukuo, and Mr. Wang signed the Japan-Manchoukuo-China Joint Declaration, by virtue of which Manchoukuo and the National Government headed by Mr. Wang Ching-wei recognized each other. It is most gratifying that the foundation has thus been firmly laid for the construction of a new order in East Asia through the cooperation between the three Powers.

Following the outbreak of the Sino-Japanese hostilities, and with the advance of Japanese forces, there sprang up societies for the maintenance of peace and order in various parts of China. These were gradually absorbed by and amalgamated with two regimes--namely, the Provisional Government at Peking and the Reformed Government at Nanking, paving the way for the construction of a new China, until finally there appeared the Peace and National Salvation Movement under the leadership of Mr. Wang Ching-wei.

This was a movement aiming at the construction of a new order in East Asia and at establishing for that purpose a government by rehabilitating the Kuomintang, by rejecting both communism and anti-Japanism and by joining hands with Japan. On December 18, 1938, Mr. Wang Ching-wei startled the world by his flight from Chungking.

Prime Minister Prince Konoe's statement (December 22) concerning the construction of a new order in East Asia was followed by Mr. Wang's declaration for peace and against communism (December 30). A few months later Mr. Wang arrived in Shanghai from Hanoi (May 8, 1939), where he established his headquarters for his peace movement. Shortly afterwards he visited Tokyo (May 31) and conferred with the Prime Minister, Baron Hiranuma, and also Prince Konoe, from whom he learned the true attitude of Japan toward his peace movement and decided to proceed in earnest. On August 28 the Sixth Plenary Conference of the Kuomintang was convened in Shanghai, which adopted the resolutions for the restoration of Sino-Japanese relations by fundamental adjustment and for the reorganization of the Kuomintang and the appointment of Mr. Wang as chairman of the Central Executive Committee. At the same meeting the much-abused Three People's Principles were given a proper and authentic interpretation. The Peace and National Salvation

Movement now became a "Peace and National Construction" movement, and the orthodox Kuomintang, casting aside its claim of "Rule the country by the Party," embarked upon the establishment of a new Central Government of China through the co-operation of parties and factions and those belonging to no party or faction. The first important step toward the establishment of a new Central Government was the three-day conference at Nanking, attended by Mr. Wang Ching-wei, Mr. Wang Ke-min representing the Provisional Government and Mr. Liang Hungchi of the Reformed Government. Then, on January 23 this year these three leaders met again at Tsingtao. On February 12, Mr. Wang called a meeting at Shanghai, to which were invited men of social prominence as well as representatives of various parties and factions, and at which an agreement of views was reached concerning the general principles for the establishment of a Central Government and its political platform. This led to the opening on March 20 of the Central Political Conference to decide upon the fundamentals for the establishment of the new Government.

The conference was attended by thirty delegates in all, comprising ten from the Kuomintang, five each from the Provisional and the Reformed Governments, two each from the Federated Autonomous Government of Mongolia, the National Socialist Party and the Young China Party, and four men of recognized influence in society. Twelve important matters, such for instance as the proposal for the adjustment of Sino-Japanese relations, the draft principles for the establishment of a Central Government, the platform of the National Government and the regulations for the organization of a Central Executive Committee, were approved, and the conference closed on March 25. On March 30 the rites and ceremonies marking the return of the National Government to its capital were held in Nanking, at which Mr. Wang Ching-wei issued a proclamation. Then and there the National Government made the first forward step of historic importance as a partner in the construction of a new order in East Asia.


In parallel and inseparable with the activities for the establishment of a Central Government, there progressed negotiations for the adjustment of Sino-Japanese relations. These negotiations made especially notable progress on the basis of the three principles of amity and neighbourliness, common defence against the Comintern and economic cooperation, after the Sixth Plenary Session of the Kuomintang which was held at the end of August of 1929; and on December 30 an informal agreement on basic ideas regarding the adjustment of Sino-Japanese relations was reached at Shanghai between the negotiators of the two countries.

Upon the establishment of the new Central Government on March 30 of this year, the Japanese Government appointed on April 1 General Nobuyuki Abe, Ambassador Extraordinary and Plenipotentiary, who arrived at Nanking on the 23rd of that month. After this, all preparations were completed with despatch for the restoration of Sino-Japanese relations. On July 5 the first meeting of the formal conference took place, attended by Ambassador Abe and Mr. Wang as Acting President of the Republic of China. Mr. Wang on this occasion spoke of what China expected of the conference, while Ambassador Abe set forth the views of the Japanese



Government relative to the negotiations that were to begin. Since then the negotiations were continued for almost two months. It was rather the zeal on both sides for the construction of the new order in East Asia than what may merely be termed mutual concession that enabled the delegates of the two countries to solve the many complex and vexing problems. At the 15th session held on August 28 they agreed upon a draft treaty, which was initialled on August 31. Upon examination by the two Governments from the domestic standpoint of their respective countries, this draft treaty was found to require partial alterations. Accordingly in the latter part of September the negotiations were resumed for the necessary revision, on which an agreement of views was reached, and the treaty in its final form was initialled on October 10.

On the other hand, with Manchoukuo that had always supported without reserve the cause of Sino-Japanese cooperation, negotiations were conducted concerning a Japan-Manchoukuo-China Joint Declaration. Early in November Mr. Wei Huan-chang, director of the Foreign Affairs Bureau of Manchoukuo arrived in Nanking, and the Declaration as published today was initialled on November 8 by the plenipotentiaries of the three countries. Meanwhile, Ambassador Abe, returning to Japan on October 27, met Prime Minister Prince Kenoo on October 29 to report on his mission. Following the Imperial Conference of November 13, the Treaty was submitted to the Privy Council, and approved at its full session of November 27. This in brief is the history of the Sino-Japanese Basic Treaty that was signed today at Nanking.

(Doc. 1584) 

**C E R T I F I C A T E**

re TOKYO GAZETTE

I, E. E. DANLY, hereby certify:

1. That I am Chief of the Document Division of the International Prosecution Section, G.H.Q., S.C.A.P., and as such have possession, custody and control of original or copies of captured enemy documents obtained by the said Section.

2. That Document No. 1584 was delivered to me from Japanese Institute of Foreign Relations as being an original or copy of an enemy document that had been captured or obtained by military forces acting under the Supreme Commander Allied Forces and such document has been continuously in my custody since such delivery.

Dated: 12 Aug 1946

/s/ E. E. Danly  
E. E. DANLY

I further certify that Document 1584 contains three monthly issues of the "Tokyo Gazette", to wit, January, February and March 1942.

Dated: 15 Aug 1946

/s/ E. E. Danly  
E. E. DANLY